

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	NO. 04-10274-PBS
v.)	
)	
TONY DIAZ,)	
Defendant.)	
)	

JOINT INITIAL STATUS CONFERENCE MEMORANDUM

The United States of America, by and through its attorneys, United States Attorney Michael J. Sullivan and Assistant United States Attorney Paul R. Moore, and defendant TONY DIAZ, by and through his counsel, Michael J. Liston, Esq., jointly submit this memorandum. The parties address herein the issues delineated in L.R. 116.5(A)(1)-(7).

1. The parties do not seek additional relief with regard to the timing requirements imposed by L.R. 116.3.
2. The government and defendant request that this Court set dates for the discovery and reciprocal discovery concerning expert witnesses which may be necessary in the event of a trial in this matter.
3. The government has provided open-file discovery to the defense counsel and will continue to provide open file discovery if and when further evidence becomes available to the government. Having provided open file discovery, the government does not anticipate providing any further discovery (other than that required to be produced at least twenty-one days prior to trial) but allows that it might do so in response to specific defense requests.
4. A motion date should be established for the filing of, and response to, substantive

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motions.

5. The parties would request that the time from the filing of this Joint Memorandum through the date on which the Final Status Conference is scheduled by this Court be excluded from calculation under the Speedy Trial Act, the reasons for which include that the parties continue to actively examine the evidence in an effort to seek resolution of this matter short of trial, pursuant to 18 U.S.C. § 3161(h)(1)(F).

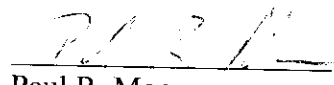
6. At this juncture, the parties anticipate a trial which would be expected to last approximately 4 days.

7. The final status conference should be set coincident with the conclusion of the briefing period that the Court sets for the defendant's substantive motions.

Respectfully submitted,

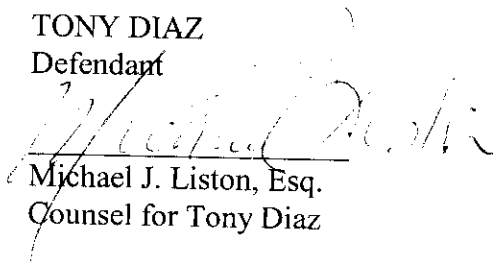
MICHAEL J. SULLIVAN
United States Attorney

By:


Paul R. Moore
Assistant United States Attorney

TONY DIAZ
Defendant

By:


Michael J. Liston, Esq.
Counsel for Tony Diaz

DATE: January 5, 2005